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Casework in a Congressional Office: Background, Rules, Laws, and Resources

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Summary

In a congressional office, the term *casework* refers to the response or services that Members of Congress provide to constituents who request assistance. Each year, thousands of constituents turn to Members of Congress with a wide range of requests, from the simple to the complex. Members and their staffs help constituents deal with administrative agencies by acting as facilitators, ombudsmen, and, in some cases, advocates. In addition to serving individual constituents, some congressional offices also consider as casework liaison activities between the federal government and local governments, businesses, communities, and nonprofit organizations.

Members of Congress determine the scope of their constituent service activities. Casework is conducted for various reasons, including a broadly held understanding among Members and staff that casework is integral to the representational duties of a Member of Congress. Casework activities may also be viewed as part of an outreach strategy to build political support, or as an evaluative stage of the legislative process. Constituent inquiries about specific policies, programs, or benefits may suggest areas where government programs or policies require oversight or legislative consideration.

One challenge to congressional casework is the widely held public perception that Members of Congress can initiate a broad array of actions resulting in a speedy, favorable outcome. The rules of the House and Senate, and laws and regulations governing federal executive agency activities, however, closely limit interventions made on the behalf of constituents. When performing casework, congressional staff cannot force an agency to expedite a case or act in favor of a constituent. However, congressional staff can intervene to facilitate the appropriate administrative processes, encourage an agency to give a case consideration, and sometimes advocate for a favorable outcome.

This report discusses House and Senate rules and guidelines, laws, and regulations affecting congressional casework, as well as the role of caseworkers. It also provides sample outlines and document templates for implementing and managing congressional casework. Further casework materials are available at the CRS Casework Resources web page at http://crs.gov/resources/Pages/CS-Casework.aspx.

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Introduction

Casework in a congressional office refers to the response or services that Members of Congress provide to constituents who request assistance. Casework appears to be one of the more enduring representational activities; Members of Congress have been providing such service since the early years of the American republic.[1] In contemporary times, thousands of constituents seek assistance annually from Members of Congress, with requests ranging from the simple to the complex. Members and their staffs help individual constituents deal with administrative agencies by acting as facilitators, ombudsmen, and, in some cases, advocates. Typical casework requests include the following:

- tracking a misdirected benefits payment;
- filling out a government form;
- applying for Social Security, veterans', education, and other federal benefits;
- explaining government activities or decisions;
- applying to a military service academy;[2]
- seeking relief from a federal administrative decision; and
- emigrating to the United States or applying for U.S. citizenship.

In addition to providing services to individual constituents, some congressional offices also consider as casework their liaison activities between the federal government and local governments or businesses concerned about the effects of federal legislation or regulation on their jurisdiction, or interactions with communities and nonprofit organizations seeking federal grants or other assistance.

All congressional offices carry out some type of casework. As part of the process of determining how to carry out their congressional duties, Members of Congress determine the scope of their constituent service activities.[3] Casework is conducted for various reasons, including constituent demand[4] and a broadly held understanding among Members and their staff that casework is

[1] For example, Representative John Quincy Adams of Massachusetts, who served as President before his election to the House, noted in his diary that he provided services to a number of constituents. Requests included corrections of the date on a military pension certificate, discussions with the Secretary of the Treasury regarding the reappointment of a collector in Adams' district, and numerous applications for Post Office appointments. See Leonard D. White, *The Jacksonians: A Study in Administrative History 1829-1861,* (New York: The MacMillan Company, 1954), pp. 143-145. In April and May of 1870, Representative James A. Garfield of Ohio, who later served as President, received constituent "requests to search for a miscarried letter, to secure favorable action on pension claims, to get a decision allowing a patent extension, to obtain payment of a claim ... and to write a book review." Leonard D. White, *The Republican Era: 1869-1901, A Study in Administrative History* (New York: The Macmillan Company, 1958), pp. 70-73, quote, pp.70-71. Other early examples may be found in Leonard D. White, *The Jeffersonians: A Study in Administrative History*, 1801-1829 (New York: The Macmillan Company, 1951), pp. 106-107, 375-376; and John Spencer Bassett, "James K. Polk and His Constituents, 1831-1832," *American Historical Review*, vol. 28, October 1922, pp. 68-77.

[2] See CRS Report RL33213, *Congressional Nominations to U.S. Service Academies: An Overview and Resources for Outreach and Management*, by R. Eric Petersen.

[3] See CRS Report RL33686, *Roles and Duties of a Member of Congress: Brief Overview*, by R. Eric Petersen.

[4] John R. Johannes, "Explaining Congressional Casework Styles," *American Journal of Political Science*, vol. 27, August 1983, pp. 530-547.

integral to the representational duties of a Member of Congress.[5] Others believe that casework activities can be part of an outreach strategy to build political support among constituents.[6] Finally, casework is seen by some as an evaluative stage of the legislative process. Some observers suggest that casework inquiries can provide Members of Congress with a micro-level view of executive agency activities, affording Members the opportunity to evaluate whether a program is functioning as Congress intended. Constituent inquiries about specific policies, programs, or benefits may also suggest areas in which programmatic or policy changes require additional oversight, or further legislative consideration.[7] As a consequence, the level and intensity of congressional casework varies among Member offices.[8]

One challenge to congressional casework is the widely held public perception that Members of Congress can initiate a broad array of actions resulting in a speedy, favorable outcome. The rules of the House and Senate, and laws and regulations governing federal executive agency activities,

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[5] Dennis F. Thompson, *Ethics in Congress: From Individual to Institutional Corruption*, (Washington: The Brookings Institution, 1995), pp. 77-78; David E. Price, *The Congressional Experience: A View From the Hill* (Boulder, CO: Westview Press, 1992), pp. 113-119; Rep. Lee H. Hamilton, "Congressional Casework," *Congressional Record*, vol. 138, April 29, 1992, p. 9814; Heinz Eulau and Paul D. Karps, "The Puzzle of Representation: Specifying Components of Responsiveness," *Legislative Studies Quarterly*, vol. 2, August 1977, pp. 243-245; and U.S. Congress, Joint Committee on the Organization of Congress, *Organization of Congress*, 79th Cong., 2nd sess., H.Rept. 1675 (Washington: GPO, 1946), p. 15.

[6] Kelly Patricia O'Meara, "For Constituents, Help is on the Hill," *Insight on the News*, February 22, 1999, p. 32; Bruce Cain, John Ferejohn, and Morris Fiorina, *The Personal Vote: Constituency Service and Electoral Independence* (Cambridge, MA: Harvard University Press, 1987), pp. 63-34; and Richard F. Fenno, Jr., *Home Style: House Members in Their Districts* (New York: Harper Collins, 1978), pp.101-113. Although the perception that casework creates positive political benefits for Members of Congress is widely held in congressional and some scholarly communities, evidence that supports that contention directly is not conclusive. Some congressional scholars have done analyses suggesting that casework activities can serve political ends, such as increasing name recognition and creating an image of concern, and that such actions can lead to electoral success. See George Serra, "What's In It for Me?: The Impact of Congressional Casework on Constituent Evaluation," *American Politics Quarterly*, vol. 22, October 1994, pp. 403-420; George Serra and David Moon, "Casework, Issue Positions, and Voting in Congressional Elections: A District Analysis," *Journal of Politics*, vol. 56, June, 1994, pp. 2001-213; George Serra and Albert D. Cover, "The Electoral Consequences of Perquisite Use: The Casework Case," *Legislative Studies Quarterly*, vol. 17, March 1992, pp. 233-246; Morris P. Fiorina, *Congress: Keystone of the Washington Establishment* 2nd ed. (New Haven, CT: Yale University Press, 1989); Laurily K Epstein and Kathleen A. Frankovic, "Casework and the Electoral Margins: Insurance is Prudent," *Polity*, vol. 14, December 1982, pp. 691-700; and Diana Evans Yiannakis, "The Grateful Electorate: Casework and Congressional Elections," *American Journal of Political Science*, vol. 25, September 1981, pp.568-580. Other scholars have been unable to identify a direct connection. See John C. McAdams, "Congressmen, Perquisites, and Elections," *Journal of Politics*, vol. 50, June 1988, pp. 412-439; Jon R. Bond, Cary Covington, and Richard Fleisher, "Explaining Challenger Quality in Congressional Elections," *Journal of Politics*, vol. 47, June 1985, pp. 510-529; John R. Johannes, *To Serve the People: Congress and Constituency Service*, (Lincoln, NE: University of Nebraska Press, 1984), pp. 187-212; John R. Johannes and John McAdams, "The Congressional Incumbency Effect: Is it Casework, Compatibility or Something Else?," *American Journal of Political Science*, vol. 25, June 1981, pp.520-542.

[7] Larry P. Ortiz, Cindy Wirz, Kelli Semion, and Ciro Rodriguez, "Legislative Casework: When Policy and Practice Intersect," *Journal of Sociology and Social Welfare*, vol. 31, June 2004, pp. 49-52; Rep. Lee H. Hamilton, "Casework," *Congressional Record*, vol. 142, July 24, 1996, pp. 19015-19016; and John R. Johannes, "Casework as a Technique of U.S. Congressional Oversight of the Executive," *Legislative Studies Quarterly*, vol. 4, August 1979, pp. 325-351.

[8] For example, one study tracked the number of cases in congressional offices in the 95th (1977-1978) and 97th (1981-1982) Congresses. In the 95th Congress, a sample of congressional offices was found to receive an average of approximately 93 new cases each week. The number of cases in individual offices ranged from 10 to 465 new cases per week. In the 97th Congress, data taken from a different, larger sample of congressional offices found that the offices received an average of approximately 91 new cases per week. During that period, the range varied between 4 and 800 cases per office per week. See and John C. McAdams, "Entrepreneur or Agent: Congressmen and the Distribution of Casework, 1977-1978," *The Western Political Quarterly*, vol. 40, September 1987, pp. 535-553 (data on p. 539), and John R. Johannes, "The Distribution of Casework in the U.S. Congress: An Uneven Burden," *Legislative Studies Quarterly*, vol. 4, November 1980, pp. 517-544.

however, closely limit the extent of an intervention made on behalf of a constituent. When conducting casework, congressional staff cannot force an agency to expedite a case or act in favor of a constituent. Congressional staff may intervene to facilitate the appropriate administrative processes involved, encourage an agency to give a case consideration, and sometimes advocate for a favorable outcome.

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House and Senate Rules Governing Casework

Each chamber has rules and guidelines regarding its Members' casework activities. House rules regarding casework services are discussed in the *House Ethics Manual*.[9] Senate Rule XLIII[10] and the *Senate Ethics Manual*[11] establish parameters for casework services in that chamber. In each chamber, at the request of a constituent or petitioner[12] for assistance, a Member of Congress may do the following:

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[9] The House Ethics Manual notes that

> [p]ursuant to long-standing guidance, it is generally permissible for Members (and staff acting on their behalf) to: request information or status reports; urge prompt consideration of a matter based on the merits of the case; arrange appointments; express judgment on a matter—subject to the ex parte communication rules; and ask for reconsideration, based on law and regulation, or administrative and other decisions.

U.S. Congress, House, Committee on Standards of Official Conduct, *House Ethics Manual*, 110th Cong. 2nd sess. (Washington: GPO, 2008), pp. 299-300, available at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf. The Committee on Standards of Official Conduct was renamed the Committee on Ethics in 2011.

[10] Senate Rule XLIII (2) states that

> at the request of a petitioner, a Member of the Senate, or a Senate employee, may communicate with an executive or independent government official or agency on any matter to: (a) request information or a status report; (b) urge prompt consideration; (c) arrange for interviews or appointments; (d) express judgments; (e) call for reconsideration of an administrative response which the Member believes is not reasonably supported by statutes, regulations or considerations of equity or public policy; or (f) perform any other service of a similar nature consistent with the provisions of this rule.

The rule is available at http://rules.senate.gov/public/index.cfm?p=RuleXLIII.

[11] U.S. Congress, Senate, Select Committee on Ethics, *Senate Ethics Manual*, 108th Cong., 1st Sess., S. Pub. 108-1 (Washington: GPO, 2003), pp. 177-185, available at http://ethics.senate.gov/downloads/pdffiles/manual.pdf.

[12] Senate Rule XLIII recognizes that not everyone who seeks assistance from a Senator will be a constituent of the state the Senator represents, and refers to all who might seek casework services as a "petitioner." No such distinction is drawn in the House ethics manual, which refers generally to constituents as the recipients of casework services. Examples of nonconstituents who might seek congressional intervention in administrative proceedings include foreign-born individuals seeking to emigrate to the United States, or a family or other interested parties who live outside a Member's constituency on behalf of a resident constituent. In the House, guidance issued by the Committee on Standards of Official Conduct suggests that "particular care should be exercised when providing assistance to individuals who are not from the Member's congressional district." The guidance also indicates that a Member should not use official resources to provide casework for individuals who live outside the district the Member represents. When a Representative is unable to assist a non-constituent, the Member may refer the person to his or her own (continued...)

- request information or a status report;
- urge prompt consideration;
- arrange for interviews or appointments;
- express judgments;
- call for reconsideration of an administrative response that the Member believes is not reasonably supported by statutes, regulations, or considerations of equity or public policy; or
- perform any other service of a similar nature consistent with the provisions of the rules of the House or Senate.

Senate Rule XLIII (3)[13] prohibits the provision of casework assistance on the basis of contributions or services to organizations in which the Senator has a political, personal, or financial interest. Guidelines in the *House Ethics Manual* say that when contacting a federal agency on behalf of a constituent, a Member, officer, or employee of the House should not make prohibited, off the record comments, receive things of value for providing casework assistance, or improperly pressure agency officials.[14]

Finally, federal statute prohibits Members of Congress, chamber officers, and congressional staff from representing anyone before the federal government, except in the performance of their official duties.[15]

Casework and the Courts

Casework is generally not something that draws Members of Congress or their staff, acting in their official capacity, into a proceeding before the courts. The *Senate Ethics Manual* describes constituent service as something that occurs in the executive branch and is silent on service

(...continued)

Representative or Senator. See *House Ethics Manual*, pp. 309-310, available at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf.

[13] Senate Rule 43 (3) states that "the decision to provide assistance to petitioners may not be made on the basis of contributions or services, or promises of contributions or services, to the Member's political campaigns or to other organizations in which the Member has a political, personal, or financial interest."

[14] *House Ethics Manual*, pp. 185, 300-302, 307, 314-315.

[15] 18 U.S.C. 203, 205; Also, see *House Ethics Manual*, p. 185, available at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf.

before the courts.[16] Guidelines in the *House Ethics Manual* provide a range of options to Members who might choose to participate in judicial proceedings.[17]

Caseworkers

Decisions regarding staff employment in congressional offices rest with each Member of Congress, subject to applicable law and chamber rules.[18] Some chamber administrative materials, such as the *Member's Handbook* (for the House)[19] or the *U.S. Senate Handbook* (for the Senate)[20] provide guidelines regarding what procedures must be followed to provide compensation, credentials, and general benefits such as health care and retirement programs to House or Senate employees. Those documents provide no guidance on how a congressional hiring entity might determine the necessity of, or criteria for, a position, or the fitness of an applicant for employment. Experienced congressional staff and other observers suggest that a successful congressional caseworker is primarily a problem solver. One study of congressional staff[21] states that a "constituent services representative/caseworker" typically carries out the following duties:

- responds to casework inquiries from constituents;
- acts as a liaison with federal, state, and/or local agencies on behalf of constituents;

[16] In the Senate Ethics Manual:

> the general advice of the Ethics Committee concerning pending court actions is that Senate offices should refrain from intervening in such legal actions (unless the office becomes a party to the suit, or seeks leave of court to intervene as amicus curiae) until the matter has reached a resolution in the courts. The principle behind such advice is that the judicial system is the appropriate forum for the resolution of legal disputes and, therefore, the system should be allowed to function without interference from outside sources.

U.S. Senate, Select Committee on Ethics, *Senate Ethics Manual*, p. 178, available at http://ethics.senate.gov/downloads/pdffiles/manual.pdf.

[17] The House Ethics Manual says that

> [w]hen a Member believes it necessary to attempt to affect the outcome in a pending case, the Member has a variety of options. A Member who has relevant information could provide it to a party's counsel, who could then file it with the court and notify all parties. Alternatively, the Member could seek to file an amicus curiae, or friend of the court, brief. Yet another option, in an appropriate case, might be to seek to intervene as a formal party to the proceeding. A Member could also make a speech on the House floor or place a statement in the Congressional Record as to the legislative intent behind the law. A Member should refrain, however, from making an off-the-record communication to the presiding judge, as it could cause the judge to recuse from further consideration of the case.

House Ethics Manual, pp. 311-312, available at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf.

[18] In the House, the Member's Congressional Handbook notes that "each Member is the employing authority [for their office]; the Member determines the terms and conditions of employment and service for their staff. These terms and conditions must be consistent with applicable federal laws and House Rules," see http://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Staff-General.

[19] U.S. Congress, House Committee on House Administration, *Member's Handbook*, http://cha.house.gov/handbooks/members-congressional-handbook.

[20] U.S. Congress, Senate Committee on Rules and Administration, *United States Senate Handbook*, October 2010.

[21] See CRS Report RL34545, *Congressional Staff: Duties and Functions of Selected Positions*, by R. Eric Petersen.

- acts as the grassroots representative for the Member within assigned areas of responsibility; and
- monitors and updates the Member and district director on district and local issues.

To carry out their duties, congressional caseworkers typically

- communicate clearly with constituents about what can and cannot be done on their behalf;
- learn the laws and regulations affecting a constituent's case;
- build relationships with federal agency personnel; and
- serve as a neutral facilitator between the constituent and agency.

No specialized training is required to become a congressional caseworker. Individuals who work as caseworkers come from a variety of backgrounds, including recently completed study or work experience in education, law, teaching, social work, political campaigns, government service, and the private sector. Observers suggest that most caseworkers enjoy working with people and have an interest in public service.

Case Management

Matters regarding the management of casework activities are at the discretion of individual congressional offices, subject to the rules of their respective chambers, relevant law, and the priorities of that office. Two laws, the Privacy Act of 1974[22] and the Health Insurance Portability and Accountability Act of 1996 (HIPAA),[23] affect casework. The Privacy Act affects all constituents with casework inquiries that require interaction with a federal agency. HIPAA may affect constituents with casework inquiries that involve medical or other health-care information.

Setting Priorities

Each congressional office establishes its own policies and procedures regarding the provision of casework services. These are typically based on a number of factors, which may be weighed differently in each congressional office, and include

- the demands or needs of constituents for casework services;
- the type and nature of cases;
- the manner in which the office defines casework;
- office strategy for outreach, including decisions regarding the solicitation of casework; and
- Member priorities.

[22] P.L. 93-579, 5 U.S.C. 552a.

[23] P.L. 104-191, 42 U.S.C. 201 note.

The Privacy Act

Under the Privacy Act, each executive branch agency that maintains records containing an individual's personally identifiable information must have a release from that individual to share information with any other entity. In general, agencies cannot reply to a congressional inquiry without a Privacy Act release signed by the constituent requesting assistance. Most agencies will accept any signed document from a constituent stating that the constituent grants a Member of Congress access to any record held by an agency that will help resolve the constituent's inquiry.[24] (Sample authorizations are included below.) Some agencies, however, issue their own forms and might prefer to have that form filed with them when a congressional office initiates a case inquiry. For example, the Internal Revenue Service (IRS) typically requests that congressional caseworkers ask constituents to return a signed copy of IRS form 8821, Tax Information Authorization.[25]

Constituent correspondence sent to a Member's office does not fall under the protections provided by the Privacy Act or any other statute safeguarding personally identifiable records. Nevertheless, due to the high probability of an expectation of privacy concerning these communications, and Member interest in maintaining the confidentiality of office activities, many congressional offices develop a policy for safeguarding the privacy of casework-related documents. Such a policy could include

- safeguarding casework correspondence and documentation in the office's physical and electronic files;
- securing electronic files through password protection and automatic backup procedures; and
- limiting access to casework correspondence files, including working drafts of correspondence, to office personnel.

HIPAA

Rules promulgated under HIPAA[26] give patients the right of access to their medical information and prohibit health plans and health-care providers from using or disclosing identifiable information to most individuals or entities without a patient's written authorization. Examples of constituent inquiries that might involve medical information include claims for benefits under the following programs:

- Social Security disability;
- veterans' programs;
- Medicare;
- disaster relief;

[24] Some congressional offices also provide casework services related to non-federal issues. In these circumstances, state or municipal regulations related to privacy protection may need to be addressed to provide assistance to constituents.

[25] The form is available electronically from the IRS website, http://www.irs.gov.

[26] 45 C.F.R. Parts 160, 164. For more information on HIPAA and medical records privacy, see CRS Report RS20500, *Medical Records Privacy: Questions and Answers on the HIPAA Rule*, by C. Stephen Redhead.

- medical services to military members injured on active duty, or to military members, their dependents, and retirees through TRICARE;[27]
- workmens' compensation; and
- immigration.

Some agencies have determined that congressional requests for medical information related to casework inquiries require a HIPAA release. HIPAA rules also require health plans and providers to give individuals the opportunity to object to the disclosure. Procedures for securing patient consent to release information or to provide information to third parties may vary from agency to agency. When medical or other health-care information must be released for a casework inquiry, the agency involved might accept a signed request from the constituent to the Member as a sufficient release, or it might forward a formal release form of its own design to the congressional office for endorsement by the constituent.

Establishing Procedures: A Casework Manual

Based on the priorities identified in individual congressional offices, many offices compile documentation to clarify policies related to casework. Such documentation could specify casework goals, management procedures, and expectations of staff. This type of document is not required, and there is no congressional standard regarding its format or contents. All decisions regarding activities and operations in a Member's office are within the discretion of the Member, subject to chamber rules and relevant statute. Procedures are typically developed by modifying standardized outlines and protocols to a particular office, based on the priorities and goals of that office and the preferences and needs of the Member's constituents. The outline below suggests questions to help develop an office casework manual addressing those demands. Sample documents, which may be used in whole or in part, are also provided.

A Sample Outline

Introduction to Casework

This section of the manual could be where congressional offices propound their approach to constituent service. Information might include a consideration of the role of representation, casework as micro-level oversight, and political issues related to casework. This section could also explain the role of casework in relation to broader office goals and the caseworker's role in meeting those goals. Questions that might be addressed in this section include the following:

- What are the goals of the office?
- How does casework support or facilitate the achievement of those goals?
- Where does casework fit in terms of office priorities?

[27] TRICARE is a managed health care program provided by the Department of Defense (DOD) for active duty military, active duty service families, retirees and their families, and other beneficiaries, available at http://www.tricare.mil/.

Office Organization

This section could provide an overview of office organization and operations. Questions that might be addressed in this section include the following:

- What do caseworkers do?
- Are caseworkers liaisons between the constituent and agency, or are they advocates for the constituent?
- Who supervises caseworkers?
- What is the extent of that supervision?
- To whom does that supervisor report?
- Where does casework fit in the office organization?

Casework Rules and Practices

This section could incorporate the rules and guidelines regarding casework of the House or Senate, as appropriate. Such documents could include Senate Rule XLIII and the *Senate Ethics Manual*, Chapter 8, "Constituent Services," available at http://ethics.senate.gov/downloads/pdffiles/manual.pdf, and the *Ethics Manual for Members, Officers, and Employees of the U.S. House of Representatives* (House *Ethics Manual*), Chapter 8, "Casework," available at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf.

In addition, this section could detail rules or procedures specific to the particular congressional office. Questions that might be addressed in this section include

- how to contact the Senate Ethics Committee or the House Committee on Standards of Official Conduct, as appropriate;
- a review of office security and personal safety procedures; and
- strategies for dealing with people who may be uncooperative, scared, angry, etc.

Step-by-Step Considerations of Casework Activities

Intake

Intake describes the process by which constituents request casework services and a congressional office prepares to respond. Intake procedures could define the information and materials needed from constituents, including the release of personal information under the Privacy Act of 1974 (sample forms below) and HIPAA, if necessary. Questions that might be addressed in developing procedures for the intake process include the following:

Office Procedures

- Who is responsible in your office for intake (caseworkers, outreach or reception staff, everyone)?

- What training or protocols are necessary so that everyone charged with intake can do the job effectively?
- Will the office open a case file on the basis of a phone call, email, or a constituent visit to an office?
- How will case requests made during outreach and other public events be incorporated into the casework system?

Intake, Constituent Verification, and Privacy

- Does the office establish verification procedures to positively identify constituents?
- If so, what constitutes acceptable identification?
- What procedures must be established if constituents cannot produce appropriate documentation of their identity?
- What procedures might be necessary to obtain a privacy release from constituents who cannot read English or sign their own name?
- Will the office open a case on behalf of constituents represented by family members or other individuals who hold a power of attorney to act on their behalf?
- Will the office open a case on behalf of a constituent represented by an attorney or other paid representative?
- If so, will the office work with the attorney, the constituent, or both?
- What procedures need to be in place to address potentially high-profile cases?

Case Management and Scheduling

- How much time will the office allow between a constituent inquiry and a response by the office, such as an acknowledgment or a request for more information?
- How much time will the office allow for a constituent to reply to follow up?
- After that time has elapsed, will the office send a reminder letter or close the case file?
- How long will incomplete case files due to missing privacy release or other documentation from constituent remain active?
- What sort of casework/constituent correspondence management system (CMS) will be used? (Although a CMS likely has been chosen by the office, explain how it will be integrated, if at all, with casework management.)
- Who has access to the CMS for reviewing cases, updating records, and closing and archiving files?

Working with Constituents

Following the intake process, it is generally necessary to determine the scope of the constituent's case and to set expectations between the caseworker and the constituent. Questions that might be addressed in developing procedures for working with constituents include the following:

- Will the office take original documents from constituents, or are copies sufficient?
- How will the office communicate with constituents?
- How will nonwritten contact be documented?
- How frequently will the office communicate with constituents to provide updates, status checks, or other information?
- How will the office communicate these expectations to the constituent? (See the samples below.)

Working with Agencies

At the end of the intake process, it is necessary to identify and contact the appropriate agency to address the constituent's concerns. Many offices maintain lists of the executive branch agencies they work with. If such information is not available, preliminary information on agencies with congressional liaison offices can be obtained from CRS Report 98-446, *Congressional Liaison Offices of Selected Federal Agencies*, by Audrey Celeste Crane-Hirsch. Questions that might be addressed in developing procedures for working with executive branch agencies include the following:

- How much time will the office allow between establishing complete constituent information and contact with the agency?
- How much time will the office allow between initial agency contact and subsequent follow up?
- How much time will the office allow between receiving the agency's response and communicating the response to the constituent?
- What types of contacts (phone, email, written, face-to-face) are acceptable to make inquiries from the office and to receive responses from the agencies?
- Will individual caseworkers, a coordinator, or a supervisor maintain lists of agency contacts?
- In the event that the person responsible for maintaining those lists of contacts is not available, how will other staff contact the agencies?
- Is it necessary to establish specific protocols for working with individual agencies ? (A list of agencies for which protocols might be developed is provided below.)

Casework Records

A common concern regarding casework records is their maintenance while cases are open, and their disposition when cases are concluded. The House and Senate consider the records generated

in a Member's office to be the personal property of the Member.[28] As a consequence, policies regarding casework records are at the discretion of individual Member offices. The House *Records Management Manual* notes that to "safeguard personal information, most Members will not transfer case files to a repository." The *Manual* notes that offices could keep permanently "reports summarizing the types of casework generated by the office as long as they contain no personal information about constituents (e.g., names or Social Security numbers)." When individual casework files are removed from office files, they "should be destroyed in a secure manner."[29] In the Senate, records management guidelines suggest that all documents pertaining to a case should be kept together. Routine cases could be kept in the office as long as they are open, and for two years after they are closed, after which they may be destroyed. Cases that might be kept permanently include those with bearing on agency oversight or matters of interest to the Senator or state. Those records could be retained in the office as long as they are open, and for one year after they are closed, after which they may be transferred to an archival repository.[30]

Reference Materials

For Each Caseworker

- Office casework manual.
- Chamber-appropriate ethics manual chapter on casework.
- CRS Report 98-446, *Congressional Liaison Offices of Selected Federal Agencies*, by Audrey Celeste Crane-Hirsch.
- Casework manuals and constituent services guides issued by the agencies for which the caseworker is responsible.
- Office-developed contact lists.

For Each Field Office Location

- Casework intake protocols.
- Instructions for accessing casework materials in physical or electronic files.
- Caseworker contact information.
- General agency contact information.

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[28] U.S. House, Office of the Clerk, *Records Management Manual for Members of the U.S. House Of Representatives*, Publication M-1 (Washington: December 2005), p. 5; and U.S. Senate, Secretary of the Senate, *Records Management Handbook for United States Senators and Their Archival Repositories*, S.Pub. 109-19 (Washington: GPO, 2006), p. 5.

[29] U.S. House, *Records Management Manual for Members of the U.S. House*, quotes, p. 7.

[30] The National Archives and Records Administration (NARA) provides courtesy storage facilities to Members of Congress for records created in Capitol Hill offices at the Washington National Records Center (WNRC) in Suitland, Maryland, and at regional storage facilities around the country for records generated in state or district offices. WNRC can be reached at 301-778-1650. Contact information for NARA regional facilities is available at http://www.archives.gov/locations/.

Agencies and Potential Categories for Which Specific Casework/Constituent Service Protocols Could Be Developed

Americans with Disabilities Act (ADA)
Bankruptcy
Child Support
Consumer Credit Matters
Copyright Information—Library of Congress
Customs
Department of Agriculture (USDA)
Department of Commerce
Department of Education (ED)
Department of Health and Human Services (HHS)
Department of Homeland Security (DHS)
Department of Housing and Urban Development (HUD)
Department of Justice (DOJ)
Department of Labor (DOL)
Department of State (DOS)
Department of the Interior (DOI)
Department of Transportation (DOT)
Department of the Treasury (Treasury)
Department of Veterans Affairs (VA)
Environment
Environmental Protection Agency (EPA)
Equal Employment Opportunity Commission (EEOC)
Federal Communications Commission (FCC)
Federal Emergency Management Agency (FEMA)
Federal Trade Commission (FTC)
Flag Requests
General Services Administration (GSA)
Government Auctions
Grants
Greetings, Anniversary
Greetings, Birthday
Greetings, Marking Achievement
Healthcare
Healthcare, Military, Tricare
Healthcare, Veterans'
Homeland Security/Military, Coast Guard
Housing
Immigration
Immigration, U.S. Citizenship and Immigration Services (CIS)
Immigration, U.S. Immigration and Customs Enforcement (ICE)
Information Requests, general
Internal Revenue Service (IRS)
Legal Issues

Legislation, Constituent Opinion
Legislation, Constituent Proposals
Medicare
Medicare, Part D, Prescription Drug Coverage
Military/Homeland Security, Coast Guard
Military/National Guard, Air Force
Military/National Guard, Army
Military/National Guard, Navy
Military/Marine Corps
Mortgages
National Forests
Office of Personnel Management (OPM)
Passports
Patent Information
Post Office
Prisons
Rural Development
Scheduling
Service Academy Appointments
Service Academy Appointments, United States Air Force Academy (Colorado Springs)
Service Academy Appointments, United States Coast Guard Academy (New London)
Service Academy Appointments, United States Merchant Marine Academy (King's Point)
Service Academy Appointments, United States Military Academy (West Point)
Service Academy Appointments, United States Naval Academy (Annapolis)
Small Business Administration (SBA)
Social Programs
Social Security
Travel
Tricare
U.S. Citizenship and Immigration Services (CIS)
U.S. Customs and Border Protection (CBP)
U.S. Immigration and Customs Enforcement (ICE)
Unemployment
United States Forest Service
Visas/Entry Permits, Education
Visas/Entry Permits, Emergency
Visas/Entry Permits, Work
Washington Visitors

Resources

Executive Agency Casework Websites

Centers for Medicare and Medicaid Services: http://www.cms.gov/About-CMS/Legislative-Affairs/OfficeofLegislation/index.html?redirect=/OfficeofLegislation/01_overview.asp

U.S. Citizenship and Immigration Services: http://www.uscis.gov/tools/resources-congress/congressional-offices-resources-caseworkers

Department of Veterans Affairs: http://www.va.gov/OCA/index.asp

U.S. Army: http://ocll.hqda.pentagon.mil/

U.S. Navy: http://www.navy.mil/local/ola/constituent_inquiries.asp

U.S. Marine Corps: http://www.hqmc.marines.mil/Agencies/OfficeofLegislativeAffairs.aspx

Tricare: http://www.tricare.mil/tma/congressionalinformation/casework.aspx

CRS Resources

CRS Casework web page, http://crs.gov/resources/Pages/CS-Casework.aspx.

CRS Report 98-446, *Congressional Liaison Offices of Selected Federal Agencies*, by Audrey Celeste Crane-Hirsch.

CRS Report RL32113, *Congressional Intervention in the Administrative Process: Legal and Ethical Considerations*, by Jack Maskell.

CRS Report RL33213, *Congressional Nominations to U.S. Service Academies: An Overview and Resources for Outreach and Management*, by R. Eric Petersen.

CRS Report RS20500, *Medical Records Privacy: Questions and Answers on the HIPAA Rule*, by C. Stephen Redhead.

CRS Report RL33024, *Private Immigration Legislation*, by Margaret Mikyung Lee.

CRS Report RS22450, *Procedural Analysis of Private Laws Enacted: 1986-2013*, by Christopher M. Davis.

Appendix. Sample Documents and Release Forms

Sample Constituent Guide/Newsletter Piece/Outreach Handout[31]

As a Member of Congress, one of my most important responsibilities is to help constituents interact with the many agencies and offices of the federal government. Staff in my office can provide you with basic information, such as a federal agency phone number, and help you with governmental procedures, such as applying for a passport or visa. In addition, my staff can help with matters involving other government agencies and programs, including

- military awards and commendations;
- veterans' benefits;
- Social Security and Medicare benefits;
- immigration matters;
- federal worker injury compensation;
- small-business concerns;
- tax matters and the Internal Revenue Service;
- housing;
- student loans; and
- military academy applications.[32]

Although we cannot force an agency to expedite your case or act in your favor, we can frequently intervene to facilitate the processes involved, encourage an agency to give your case consideration, and sometimes advocate for a favorable outcome.

My office is unable to offer legal advice or recommend an attorney. The rules of the <HOUSE/SENATE> do not allow me to intervene in or influence the outcome of cases that are under the jurisdiction of any court. Finally, my office cannot intervene in matters under the jurisdiction of local or state governments.[33] Although I cannot guarantee a particular outcome, my staff and I will do our best to help you receive a fair and timely response regarding your problem.

If I may be of assistance to you, please contact my _____ office at _____. I look forward to hearing from you.

[31] This is a sample document and is not intended to be definitive. Any information may be deleted or modified as appropriate to specific Member office policies and procedures.

[32] The list of possible services is an example and does not represent the entire range of potential constituent services.

[33] Some congressional offices offer limited assistance on matters related to state or municipal policies and services.

Handout/Letter for Constituents Opening a Case[34]

Dear <CONSTITUENT>:

Thank you for allowing me to assist with your case. Although I cannot guarantee a particular outcome, I want you to know that my staff and I will do our best to help you receive a fair and timely response.

As my staff address your concerns, please bear in mind that they cannot force an agency to expedite your case or to act in your favor. My office is not able to offer legal advice or recommend an attorney. The rules of the <HOUSE/SENATE> do not allow me to intervene in, or influence the outcome of, cases that are under the jurisdiction of any court. Finally, our office cannot intervene in matters under the jurisdiction of local or state governments.[35]

My staff and I are able to facilitate the processes involved, gain a fair hearing for your case, and sometimes advocate for a favorable outcome. To begin the process, federal agencies require that I have a written and signed letter when intervening on behalf of a constituent. This requirement falls under the provisions of the Privacy Act of 1974. The letter must be signed by the person directly affected, unless the person is a minor, or a third party has a notarized Power of Attorney.[36] Once we have the release, we can begin to work on your case. If your case involves medical or health-care information, my office may ask you to complete a release specifically authorizing access to medical information necessary to resolve your case.

If you have any questions, please contact <STAFFER> at <PHONE>. My staff and I look forward to working with you.

Sincerely,

<MEMBER OF CONGRESS>

Simple Privacy Act Release Form

<CONSTITUENT>

<CONSTITUENT ADDRESS>

[Date]

To Whom It May Concern:

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, I authorize the <FEDERAL DEPARTMENT OR AGENCY> to provide information regarding my records to <MEMBER OF CONGRESS>.

<CONSTITUENT SIGNATURE>

[34] This is a sample document and is not intended to be definitive. Any information may be deleted or modified as appropriate to individual Member office policies and procedures.

[35] Some congressional offices offer limited assistance on matters related to state or municipal policies and services.

[36] Some congressional offices do not accept cases through a power of attorney.

Case Information and Privacy Act Release Form

Information Release

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

Please describe the situation for which you are requesting assistance:

I hereby request the assistance of the Office of <REPRESENTATIVE/SENATOR> to resolve the matter described above. I authorize <REPRESENTATIVE/SENATOR> and <HIS/HER> staff to receive any information that they might need to provide this assistance.

The information I have provided to <SENATOR/REPRESENTATIVE> is true and accurate to the best of my knowledge and belief. The assistance I have requested from <MEMBER>'s office is in no way an attempt to evade or violate any federal, state, or local law.[37]

SIGNED:_____DATE:_____

Name: (please print)_____Date of Birth:_____

Address:_____

City:_____ State:_____ Zip:_____

Day Telephone:_____ Evening Telephone:_____

E-mail Address:_____

Federal Agency Involved:_____

Case Number (if applicable):_____

Author Contact Information

R. Eric Petersen
Specialist in American National Government
epetersen@crs.loc.gov, 7-0643

[37] Some congressional offices require constituents to certify that their case requests are lawful. This certification is not required under the Privacy Act. Some agencies may pursue civil or criminal remedies against constituents who do not provide truthful information when seeking public benefits or assistance.